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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 GREGORY TYREE BROWN,

10 Plaintiff,

11 v.

12 DEAN MASON, et al.,

13 Defendants.

CASE NO. C07-1441RSM

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
REFERRING MATTER TO
MAGISTRATE JUDGE

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15 The Court, having reviewed plaintiff's First Amended Complaint, defendants' motion to dismiss,
16 the Report and Recommendation, and plaintiff's objections thereto, does now find and ORDER:

17 (1) The Report and Recommendation is approved and adopted;

18 (2) Defendants' motion to dismiss is GRANTED as to all defendants but defendant David
19 Bustonaby¹, and the amended complaint is DISMISSED without prejudice as to those defendants;

20 (3) Defendants' motion to dismiss is DENIED as to plaintiff's retaliation claim against defendant
21 Bustonaby; and

22 (4) This matter is hereby REFERRED back to Magistrate Judge Brian A. Tsuchida for further
23 proceedings. The pending motion for leave to file a second amended complaint shall be noted for
24 consideration by Magistrate Judge Tsuchida.

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¹This defendant's name is variously spelled "Bustanoby" and "Bustonoby" in defendants' motion
27 to dismiss. See, Dkt. # 31, pp. 1, 6. The Court has used plaintiff's spelling.

1 The Clerk shall direct copies of this Order to plaintiff at his address of record, to counsel for
2 defendants, and to the Hon. Brian A. Tsuchida, United States Magistrate Judge.

3 DATED this 13 Day of January 2009.


RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE